

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

MONTE CRISTIA, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 2:19-cv-00233

PEOPLES BANK,

Defendant.

MEMORANDUM OPINION AND ORDER

This action was referred to United States Magistrate Judge Dwane L. Tinsley for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). On April 16, 2020, Magistrate Judge Tinsley submitted the Proposed Findings of Fact and Recommendation (“PF&R”), [ECF No. 4], recommending the court **DISMISS WITH PREJUDICE** Plaintiff’s federal claim for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2)(B) and **DISMISS WITHOUT PREJUDICE** Plaintiff’s state-law claims pursuant to 28 U.S.C. § 1367(c). To date, no objections to Magistrate Judge Tinsley’s PF&R have been filed, and the time period for the filing of objections has passed.

Accordingly, the court **ADOPTS** and **INCORPORATES** herein the PF&R. For the reasons stated, the court **DISMISSES WITH PREJUDICE** Plaintiff’s federal claim for failure to state a claim upon which relief may be granted pursuant to 28

U.S.C. § 1915(e)(2)(B) and **DISMISSES WITHOUT PREJUDICE** Plaintiff's state-law claims pursuant to 28 U.S.C. § 1367(c). The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: June 17, 2020



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE